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Attorneys for Defendants

SUPER LUCKY CASINO, INC.

NICHOLAS TALARICO, AND BRET TERRILL

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAN VIGDOR, an individual; STEPHEN
BRADWAY, an individual,

Plaintiffs,

v.

SUPER LUCKY CASINO, INC., a California
corporation (formerly known as 12 GIGS,
INC.); Nicholas Talarico, and individual; Bret
Terrill, and individual; DOES 2-50, inclusive,

Defendant.

Case No.: 16-cv-05326-HSG

[Hon. Haywood S. Gilliam, Jr., Presiding]

**STIPULATION AND ORDER TO DISMISS
PLAINTIFFS' SEVENTH CAUSE OF
ACTION FOR BREACH OF FIDUCIARY
DUTY**

Complaint Filed: September 16, 2016

Trial Date: December 10, 2018

1 The undersigned parties to this action, by and through their undersigned counsel, hereby
2 agree and stipulate as follows:

3 WHEREAS, Plaintiffs Dan Vigdor and Stephen Bradway (“Plaintiffs”) included in their
4 Fourth Amended Complaint a cause of action against Defendants Nicholas Talarico and Bret Terrill
5 (“Defendants”) for breach of fiduciary duty; and

6 WHEREAS, the parties have reached an agreement to resolve this cause of action for breach
7 of fiduciary duty without the Court’s further involvement.

8 IT IS HEREBY AGREED AND STIPULATED BY THE PARTIES that Plaintiffs
9 voluntarily dismiss their seventh cause of action for breach of fiduciary duty with prejudice.
10 Further, Defendants and Super Lucky Casino, Inc. (“Super Lucky”) shall not use this stipulated
11 dismissal as grounds to seek attorneys’ fees, expenses, or costs regarding Plaintiffs’ breach of
12 fiduciary cause of action. Finally, Defendants and Super Lucky shall not raise before the jury the
13 dismissal of Plaintiffs’ breach of fiduciary duty cause of action and will not base a future
14 claim/cause of action on Plaintiffs’ voluntary dismissal of their breach of fiduciary cause of action.

15 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attest that all signatories
16 have concurred in its filing.

17
18 **IT IS SO STPULATED.**

19 **AS STIPULATED BY:**

20
21 Dated: July 2, 2018

MICHELMAN & ROBINSON, LLP

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23
24 By: /s/ Marc Jacobs
25 Sanford L. Michelman
26 Marc R. Jacobs
27 *Attorneys for Plaintiffs*
28 DAN VIGDOR and STEPHEN BRADWAY


1 Dated: July 2, 2018

KEKER, VAN NEST & PETERS LLP

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4 By: /s/ Benedict Y. Hur
Benedict Y. Hur
Julia L. Allen
5 *Attorneys for Defendant*
6 SUPER LUCKY CASINO INC.

7
8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9
10
11 July 2, 2018


12 Hon. Haywood S. Gilliam, Jr.